

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 24, 2005**

## DIVISION ONE

B171713 People (Not for Publication)

V.

John M. Schneider

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.

Mallano, J.

B178529 People (Not for Publication)

V.

## Harold Bridges

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.

Suzukawa, J. (Assigned)

B163105 Cecil Bray et al. (Not for Publication)

V.

La Louisianne, Inc.

The judgment is affirmed.

Mallano, Acting P.J.

I concur: Suzukawa, J. (Assigned)

I concur (w/opinion): Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B168646 Porsche Financial Services (Not for Publication)  
v.  
Shiu Lit Kwan

The judgment is affirmed. PFS is awarded its costs of appeal, including attorney fees, and the cause is remanded to the trial court with directions to determine the amount of fees on noticed motion.

Vogel (Miriam A.), J.

We concur:   Mallano, Acting P.J.  
                      Suzukawa, J. (Assigned)

B170867      Teresa Saafir      (Not for Publication)  
v.  
Department of Developmental Services et al.

The August 15, 2003, order appointing the conservator is reversed. On remand, the trial court shall conduct an evidentiary hearing in accordance with Probate Code sections 1827 and 1829. The parties are to bear their own respective costs on appeal.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Suzukawa, J. (Assigned)

B174210      People      (Not for Publication)  
v.  
Richard Pena

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B169632 Ernestine Hood et al. (Certified for Partial Publication)  
v.  
Compton Community College et al.

On plaintiffs' appeal from the summary judgment in favor of the District, we reverse the summary judgment and award plaintiffs their costs. On plaintiffs' appeal from the summary judgment in favor of the Personnel Commission, we dismiss the appeal as moot and award plaintiffs their costs. On defendants' cross appeal, we affirm the order denying the motion for attorney fees and award plaintiffs their costs.

Suzukawa, J. (Assigned)

We concur: Spencer, P.J.  
Mallano, J.

B174569 R. J. Molligan (Not for Publication)  
v.  
Michael A. Smith et al.

The judgment (order of dismissal) is affirmed. Respondents are awarded their costs of appeal, including attorney's fees, and the cause is remanded to the trial court with directions to determine, upon motion, the appropriate amount of fees and costs.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.  
Suzukawa, J. (Assigned)

DIVISION ONE (Continued)

B175000      Mercury Insurance Company      (Not for Publication)  
v.  
State Farm General Insurance Company

The judgment is reversed. On remand the trial court shall enter judgment in favor of State Farm General Insurance Company and award its costs on appeal.

Mallano, J.

We concur:    Spencer, P.J.  
                  Suzukawa, J. (Assigned)

DIVISION TWO

B171970      Cho      (Not for Publication)  
v.  
Chong

The judgment is affirmed. The orders of the trial court are affirmed.  
Respondents to recover costs and attorney fees on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                  Doi Todd, J.

B175469      Thomas      Not for Publication)  
v.  
City of Lynwood

The order enforcing the settlement is reversed. The City shall recover its costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                  Doi Todd, J.

## DIVISION TWO (Continued)

B171911 Tyson (Not for Publication)  
v.  
Buck, et al.

The judgment is affirmed. The Bucks shall recover their costs on appeal.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                  Doi Todd, J.

B168220 People (Not for Publication)  
v.  
Salcido

The conviction in count 2 is reversed. The judgment is modified to reflect a \$250 restitution fine and a \$250 parole revocation fine and to eliminate the requirement to pay a \$100 laboratory fee pursuant to section 11372.5, subdivision (a) and associated penalty assessments in connection with count 1, and the \$200 restitution and parole revocation fines imposed by the sentencing court. In all other respects the judgment is affirmed. The superior court is ordered to correct the abstract of judgment to reflect these changes. The abstract of judgment makes no mention of count 2; therefore, although count 2 is reversed, no correction is required to the abstract of judgment to reflect this reversal. The superior court is ordered to forward a corrected copy of the abstract of judgment to the Department of Corrections.

Ashmann-Gerst, J.

We Concur: Boren, P.J.  
Nott, J.

DIVISION TWO (Continued)

B176584      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Kylah R.

The June 14, 2004 order is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
Doi Todd, J.

B172750      People      (Not for Publication)  
v.  
Felix

The judgment is affirmed.

Boren, P.J.

We concur:    Doi Todd, J.  
Ashmann-Gerst, J.

B179838      Lemaire  
v.  
Superior Court, Los Angeles County (University of Southern California)

Filed order denying petition for rehearing.

B169352      People  
v.  
Izaguirre

Filed order modifying opinion. (No change in the judgment)

March 24, 2005 (Continued)

## DIVISION THREE

B176497 People (Not for Publication)  
v.  
Martinez

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

## DIVISION FOUR

B177615 People (Not for Publication)  
v.  
Jacobso

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
White, J. (Assigned)

## DIVISION SIX

B174171      People                                  (Not for Publication)  
v.  
Joseph D., Jr.

The judgment is modified to reflect a maximum term of confinement of five years six months. The trial court shall amend the abstract of judgment accordingly and forward it to CYA. The judgment is otherwise affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

## March 24, 2005 (Continued)

## DIVISION SIX (Continued)

B177831 People (Not for Publication)  
v.  
Chamberlain

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B174110 People (Certified for Publication)  
v.  
Saffold

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B172430 People (Not for Publication)  
v.  
Horne

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B174320      Betouliere, et al.,  
v.  
Bauman, et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)



## March 24, 2005 (Continued)

## DIVISION SIX (Continued)

B175884 People (Not for Publication)

V.

Jackson &amp; Ketchens

The judgments are affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

B175435      City of Taft      (Not for Publication)

V.

Belli &amp; Associates et al.,

The judgment is affirmed. Taft shall recover costs.

Gilbert, P.J.

We concur: Yegan, J.

Coffee, J.

B172158 Vreeken (Not for Publication)

V.

McNamee

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur:    Gilbert, P.J.

Yegan, J.

B171487 Garcia

V.

## Asphalt Equipment and Service Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX (Continued)

B161737      Santa Maria Enterprises, Inc.      (Not for Publication)  
v.  
Texaco Exploration & Production, Inc.

The judgment is affirmed. Costs to respondents.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B175517      People      (Certified for Publication)  
v.  
Martin

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B176004      Jackson et al.,      (Not for Publication)  
v.  
Eade

The judgment is affirmed. Costs on appeal are awarded to Eade.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SEVEN

B163391      Herrera et al.,                      (Not for Publication)  
                 v.  
                 Plotkin

The order is reversed to the extent the trial court granted respondent's motion for summary adjudication as to a portion of the first and second causes of action in the complaint (for negligence and breach of contract), and reclassified the matter as a limited jurisdiction case. In all other respects the order is affirmed. The cause is remanded to the trial court for further proceedings consistent with this opinion. Appellants are awarded costs on appeal.

Johnson, J.

We concur:    Perluss, P.J.  
                 Woods, J.

DIVISION EIGHT

Court convened.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Amos, Deputy Clerk.

Each of the following:

B171764 People v. Simes  
B174668 People v. Saldana  
B172484 People v. Thompson  
B172425 People v. Jesse G.  
B172685 County Of Los Angeles v. Sharky Bail Bonds  
B178101 Catholic Mutual Relief etc. v. The Clergy Case II

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B175007     People  
              v.  
              Sanchez

Merits:  
Argued by Richard Fitzer for appellant and by Ellen Birnbaum Kehr,  
Deputy Attorney General for respondent. Cause submitted.

B171882     People  
              v.  
              Brand

Merits:  
Argued by Katharine Greenbaum for appellant and no appearance by  
counsel for respondent. Cause submitted.

B175886     Khan  
              v.  
              Armenian Bone Marrow Donor Registry Corporation et al.,

Merits:  
Argued by Marshall A. Caskey for appellant and by Chris Lee Campbell  
for respondents. Cause submitted.

B172628     Delgado  
              v.  
              Bula et al.,

Merits:  
Argued by Leslie L. Sherman for appellant and by Wendy S. Albers  
for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B175180     Tourtelot  
              v.  
              Gordon Group Holding et al.,

Merits:  
Argued by Charles Stern for appellants and by Morton Minikes for respondent. Cause argued and the submission date deferred pending the filing of additional briefs. The court directed counsel to file letter briefs by April 1, 2005, upon the filing of the briefs the matter will be submitted.

B176538     Peng  
              v.  
              City Of Montebello

Merits:  
Argued by Philip C.H. Peng, appellant in propria persona and by Debra L. Bray for respondent. Cause submitted.

B175805     JDI Communications, Inc.,  
              v.  
              Talbot

Merits:  
Argued by Richard Lysle for appellant and by Jack Cairl for respondent. Cause submitted.

B169965     Kelsey  
              v.  
              County Of Los Angeles, Child Support Services Department

Merits:  
Argued by Donald Sherwyn for appellant and by Tammy Nakada for respondent. Cause submitted.

Court recessed at 11:02 A.M.

March 24, 2005 (Continued)

DIVISION EIGHT (Continued)

Court reconvened at 11:12 A.M.

Present: Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B171591     Wayne  
              v.  
              DHL Express (USA), Inc.,

Merits:  
Argued by Henry Rossbacher for appellant and by Edwin Woodsome, Jr.  
for respondent. Cause submitted.

Each of the following:

B172440 Meiers v. Meiers  
B176666 Sears, Roebuck v. Mousseau

Oral argument continued to April 28, 2005, at 9:00 a.m.

B172615     People  
              v.  
              Davidson

Oral argument continued to April 28, 2005, at 1:00 p.m.

B177082     Tire Distributors  
              v.  
              A-Line Construction etc.,

Oral argument continued to May 26, 2005, at 9:00 a.m.

Court in recess.

DIVISION EIGHT (Continued)

Court reconvened at 1:03 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B172685      Blakemore et al.,  
B175973      v.  
Superior Court, Los Angeles County  
(Avon Products, Inc., r.p.i.)

Merits:

Argued by Jeffrey Huron for petitioners and by Dennis S. Ellis for real party in interest. Cause submitted.

B176780      Blakemore et al.,  
v.  
Avon Products, Inc.,

Merits:

Argued by Jeffrey Huron for appellants and by Dennis S. Ellis for respondent. Cause submitted.

B175606      Roshan Internaional, Inc.,  
v.  
Engstrom, Lipscomb & Lack et al.,

Merits:

Argued by Nicholas Nassif for appellant and by Rahul Ravipudi for respondents. Cause submitted.

B168627      Banc Of America Investment Services, Inc. et al.,  
v.  
Plycraft Industries, Inc.,

Merits:

Argued by Maurice Wainer for appellant and by Amy Briggs for respondents. Cause submitted.

March 24, 2005 (Continued)

DIVISION EIGHT (Continued)

Court recessed at 2:33 p.m.

Court reconvened at 2:51 P.M.

Present: Rubin, Acting P.J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

B170613      KPMG LLP et. al.,  
                  v.  
                  The Board of Accountancy Of The State Of Calif.,

Merits:

Argued by Gregory Garre for appellant McBride and by Joseph Zimring,  
Deputy Attorney General for respondent. Cause submitted.

Boland, J. left the bench.

Cooper, P.J. assumes the bench.

B179053      The Roman Catholic Bishop Of Oakland  
                  v.  
                  Superior Court, Los Angeles County  
                  (Thatcher, r.p.i.)

Merits:

Argued by Christina J. Imre for petitioner and by Richard J. Simons for real  
party in interest. Cause submitted.

Court adjourned.